IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODPUR

ORDER

S.B. Criminal Misc. Petition No.1276/2007
(Smt. Chetana & Anr.Vs. State & Anr.)

Date of Order : 10th October, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Mahipal Bishnoi for petitioners.
Mr. Ashok Upadhyay, P.P.
Mr. Shankar Singh for respondent No.2.

By the instant misc. petition, the petitioners seek quashing of the FIR No.144/2007 Police Station Osian for the offences under Sections 363/366 IPC.

Heard learned counsel for the parties. Perused the imugned order and also the statement of Chetna recorded under Section 164 Cr.P.C. by the Judicial Magistrate No.8, Jodhpur on 18th September, 2007. First Informant-respondent No.2 Badri Narain, who is uncle (elder-father) of the petitioner No.1 Chetna lodged a report against petitioner No.2 Nand Kishore Botra alleging that he has kidnapped her nice petitioner No.1 Chetna.

Petitioner No.1 Chetna is aged 21 years and she voluntarily made statement that she has gone with petitioner

No.2 Nand Kishore at her sweet will and she had relationship with him for last 5 years and ultimately they decided to marry each other. They have married and there is no element of any kidnapping.

Learned counsel for the respondent No.2 first informant submits that in view of the statement of Chetna, who is major, age 21 years stated that she voluntarily went with petitioner No.2 and married to him at her sweet will, there remain no element of kidnapping and, therefore, he has no objection if the FIR is quashed.

Having regard to the statement of Chetna recorded under Section 164 Cr.P.C. and the fact that she is major and married with petitioner No.2 Nand Kishore at her sweet will, therefore, allowing the FIR and any further investigation in the said FIR amounts to abuse of the process of the Court and, therefore, to secure ends of justice, the FIR in question deserves to be quashed.

In view of above, the criminal misc. petition is allowed and FIR No.144/2007 Police Station Osian for the offences under Section 363/366 IPC is hereby quashed.

(H.R. PANWAR), J.

vij

S.B. Criminal Misc. Stay Petition No.623/2007

In

S.B. Criminal Misc. Petition No.1276/2007

Date of Order : 10th October, 2007

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Mr. Mahipal Bishnoi for petitioner.
Mr. Ashok Upadhyay, P.P.
Mr. Shankar Singh for respondent

Since the main petition itself has been decided, the stay application also stands disposed of.

(H.R. PANWAR), J.

vij